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TECHNICAL REPORT

WINNIPEG VICTIM/WITNESS ASSISTANCE PROGRAM: PLANNING PHASE AND TECHNICAL REPORT

by

Stephen L. Brickey

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Winnipeg Victim/Witness Assistance Program: Planning Phase and Technical Report

Stephen L. Brickey

February, 1983

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Table of Contents

	Page
Abstract	i
Executive Summary	ii
Introduction	1
Methodology	2
Sample	6
Data Collection	8
Findings	10
Social Agencies	10
Police	11
Crown Prosecutors	15
Assessment of Victim Needs	17
Assessment of Witness Needs	27
Conclusions and Implications	33
Alterations to Criminal Justice System	33
Issues for a Victim/Witness Assistance Program	35
Implications for Further Research	38

Abstract

This report is an examination of the needs of victims and witnesses of crime in the City of Winnipeg. Through the use of semi-structured interviews and questionnaires, data were collected on the nature and extent of these needs. Following a description of the types of needs that victims and witnesses experience, a number of suggestions are offered on how these needs could be dealt with by a victim/witness assistance program.

Résumé

Ce rapport examine les besoins des victimes et des témoins de crimes dans la ville de Winnipeg. Grâce à des entrevues et à des questionnaires semi-structurés, des données ont été recueillies sur la nature et l'ampleur de ces besoins. Une description des types de besoins qu'ont les victimes et les témoins est suivie d'un certain nombre de suggestions sur la façon dont on pourrait y répondre dans le cadre d'un programme d'aide aux victimes et aux témoins.

EXECUTIVE SUMMARY

The purpose of this project was to collect various kinds of information which could be used in the planning and implementation of new services to assist victims and witnesses of crime in Winnipeg. A description is given below of the major tasks that were performed during this project and the key findings that were obtained from the research.

The methodology used was a multi-stage process. Interviews were conducted with members of the Winnipeg Police Department and Crown Attorneys. Officials of various social agencies in Winnipeg which provide some form of assistance to victims and witnesses were also interviewed. Topics discussed included the nature and extent of contact with victims and witnesses, types of services provided, the kinds of needs not being met and the willingness of the agencies to develop a liaison with a victim/witness assistance program.

The information gathered from these interviews was used, in part, to formulate the questions included in both victim and witness questionnaires. The interviews dealt with a range of issues related to the perceived needs of victims and witnesses, suggestions as to how these needs could best be met, and perceptions of over-all police performance and the functioning of the criminal justice system.

With the cooperation of the Winnipeg Police Department and the Crown Attorney's office, a sample of 200 victims and 100 witnesses was drawn. The victims had reported a crime to the police between January and June, 1981, and the witnesses had appeared in court between January and June, 1981.

A wide variety of offences were represented with victims of the following crimes included in the sample: rape, attempted rape, purse snatching, assault causing bodily harm, attempted homicide, indecent assault, break and enter, stolen auto, and wilful damage.

Findings:

The interviews conducted with the social agencies supported the development of a victim/witness assistance program in Winnipeg. The most frequent suggestion given by the agencies was the development of a service which would provide information and assistance to victims and would help to demystify the court system and the role of witnesses.

The police officers interviewed thought that a victim/witness assistance program was necessary. In their view, such a program would help the victim to better understand the legal system and reduce the anxiety and frustration often experienced when dealing with the police and the judiciary.

The Crown prosecutors thought that a victim/witness assistance program would be useful if the program workers were used as intermediaries who contacted the Crown's office on behalf of the witness.

As would be expected, the type of immediate needs stated by the victims were significantly different for victims of property crimes compared to victims of crimes against the person. Of the property crime victims who were surveyed, 37% stated that emergency repairs to secure their homes were needed immediately following the victimization. Forty-seven percent of the victims of personal crimes expressed an immediate need for someone to stay with them to provide security and someone to talk to after the police left. As a result of the victimization, 25% of the victims of property crimes noted that they were afraid to enter their homes, while over 50% of the victims of personal crimes stated that they were afraid to be alone in the house and afraid to go out.

Secondary needs expressed by victims of both categories of crime were information on the status of the police investigation, information about the Criminal Injuries Compensation Board and, to a lesser degree, the prompt return of stolen property.

Over 80% of the victims thought that the police had arrived at the scene as quickly as they could have and that the police did a good or average job of handling the incident.

The responses to many of the questions from the witness survey indicated that many lacked knowledge of the legal process. The findings also showed that the majority of witnesses (79%) had no contact with the Crown Attorney's office prior to their court appearance. Another interesting finding was that 41% of the sample stated that they were not called upon to give testimony. The reason most often cited (57%) was that the accused changed his plea to guilty at the last minute. Almost one-quarter stated that they had lost a part of their salary as a result of going to court. In those cases where there was a conviction, over half of the witnesses thought that the sanction given by the court was too lenient. In spite of these findings, 85% of the witnesses responded that they would be willing to again be involved in the court process.

The information collected and the results of the survey will be used by the Victim/Witness Assistance Advisory Committee in Winnipeg for the planning and implementation of new services and the statistics gathered in this study will be used as baseline data for the subsequent monitoring and evaluation of these services.

INTRODUCTION

The purpose of the research project was to collect information on victim and witness needs in Winnipeg that would assist in the development of a victim/witness assistance program. To collect this information, a variety of people were interviewed including representatives of the Winnipeg Police Department, members of the Crown Attorney's office, representatives of eight social agencies in Winnipeg that deal with victims, and a sample of 200 victims and 100 witnesses. These people helped to shed light on the diversity of needs and problems that victims and witnesses experience as a result of their involuntary involvement with crime.

The report consists of a discussion of the methodology used to collect information, a description of the interviews conducted with members of the criminal justice system and representatives of social agencies, an analysis of the findings obtained from questionnaires administered to victims and witnesses, and a discussion of the implications of the research findings for the development of a victim/witness assistance program in Winnipeg. A separate background report includes the questionnaires and the details of interviews with representatives of social and justice-related agencies personnel, and is available through the library of the Ministry of the Solicitor General.

In the analysis of the questionnaires are all of the needs stated by the victims and witnesses. No attempt was made to delete needs or concerns that might seem trivial, or needs that might not be subject to ameliorative intervention. It was thought that this task should be left to those responsible for developing and implementing a victim/witness assistance program. However, suggestions are given as to how specific findings could be utilized when making decisions on the most effective way to meet the needs of victims and witnesses of crime.

METHODOLOGY

The methodology used in this project was a multi-stage process. A description of the techniques and methods used in data collection and selecting a sample of victims and witnesses follows.

In the first stage, interviews were conducted with representatives of a number of social agencies operating in the Winnipeg area. Then, interviews were conducted with members of the Winnipeg Police Department and Crown Attorneys.

Thirteen Crown Attorneys were interviewed in two groups. Each group met with the interviewer for approximately one hour. The interviews were relatively unstructured and open-ended, and the questions dealt with the following issues:

- procedure for issuing subpoenas;
- extent and nature of contact with witnesses before trial;

- procedure for contacting witnesses if they are no longer required to appear in court;
- amount and method of payment to witnesses;
- problems arising from witnesses failing to appear;
- perception of witness concerns;
- assessment of how a victim/witness assistance program could improve the present system; and
- willingness to make use of a victim/witness assistance program.

Interviews were also conducted with officers from different divisions in the Police Department. They included the Community Relations Officer, two members of the property crimes division, two members of the division dealing with crimes against the person, three members of the juvenile division, and six constables. These interviews, too, were largely unstructured and open-ended. Topics covered were:

- perception of victim needs immediately following the crime;
- perception of secondary needs of victims and witnesses;
- types of telephone inquiries from victims and witnesses;
- procedure for reporting recovered property to victims;
- procedure for returning stolen property to victims;
- police contacts with social agencies that deal with victims;
- perception of victim needs not currently being met; and
- assessment of how a victim assistance program could improve the present system.

Initially, eleven agencies were selected on the presumption that they provided services to victims and witnesses of crime. After initial contact, the number was reduced to eight[1]. These were:

Child Abuse Unit - Health Sciences Centre

Child Abuse Unit - Children's Aid Society of Winnipeg

Main Street Project

Osborne House

Rape Crisis and Information Program

Criminal Injuries Compensation Board, (C.I.C.B.)

Manitoba Police Commission

Victim Offender Mediation Program - Mennonite Central Committee

The interviews were more structured than those used for the police and Crown Attorneys. The following issues were addressed, with slight variations made depending on the services provided by the agency:

- volume of contact with victims and witnesses;
- types of victim/witness problems encountered;
- range of services provided to victims/witnesses;
- nature of working relationship with Crown, police, and other social agencies;

[1] The agencies which stated that they provided no specific programs for victims were the Manitoba Red Cross, The Salvation Army and the Age and Opportunity Centre. It would be more accurate to state that all three of these agencies provide some services to victims, but do not differentiate between victims and other people in the services provided.

- funding source and length of time operating;
- perception of victim/witness needs not being met;
- perception of the need for a victim/witness assistance program;
- staffing and hours of operation;
- case loads of staff; and
- type of liaison that could be developed between agency and a victim/witness assistance program.

The information gathered from the police officers and Crown Attorneys was used, in part, to formulate the questions included in both victim and witness questionnaires.[1] For the most part, the questionnaires included close-ended questions, but there were provisions made for open-ended responses. The responses to the open-ended questions were later coded into the modal answers that were given in order to facilitate the analysis.

The major areas covered in the victim questionnaire included the following:

- immediate needs of victims following the crime and the assistance they receive;
- fears resulting from being victimized;
- informational needs related to the status of the investigation;
- assessment of police handling of the case.

1. The questionnaires are included in a separate background report available from the library of the Ministry of the Solicitor General.

The witness questionnaire dealt primarily with the following areas:

- manner in which the subpoena was received;
- knowledge of witness obligations;
- questions and concerns that arise as a result of being issued a subpoena;
- extent and nature of contact with police and Crown Attorneys;
- satisfaction with handling and disposition of case.

Following the construction of the two questionnaires, a meeting was held with the Winnipeg Victim/Witness Assistance Advisory Committee. At this meeting, members of the Committee recommended changes in the wording of some questions and the inclusion of other questions.

Subsequent to the above meeting, the two questionnaires were pre-tested. In the pre-test, the questionnaires were administered to approximately 15 victims and witnesses and were found to be without serious problems in the clarity and interpretation of the questions.

SAMPLE

The major concerns of the research team in obtaining a sample of victims and witnesses was that a minimum of 200 victims and 100 witnesses be surveyed and that a range of crimes be represented within the sample.

With the cooperation of the Winnipeg Police Department, a list of 240 individuals who had been victims of a crime between January and June, 1981, was supplied to the researcher. The police were asked to provide a list of names of victims of the following crimes: rape, attempted rape, purse snatching, assault causing bodily harm, attempted homicide, indecent assault, break and enter, stolen auto, and wilful damage. The police department decided that before the victims could be included in the study, they had to be contacted by a member of the police department to determine their willingness to participate in the survey.

During the course of the data collection process, the police were asked to provide approximately sixty additional names. There were several reasons for this request. Some victims originally selected could not be located by the police; some victims who had initially agreed to take part in the survey changed their mind when contacted by the interviewers; some victims initially declined to participate; and, some victims who had agreed to participate could not be reached by the interviewers.

The sample of 100 witnesses was drawn with the aid of the Crown Attorney's office, which made available a list of all witnesses who had appeared in court during the first six months of 1981. This list was divided into crimes against the person and property crimes and the individuals were randomly selected

from the two lists. In order to obtain a final sample size of 100 witnesses, it was necessary to draw approximately 200 names. During the data collection stage of the research, it was discovered that many witnesses had moved and it was impossible to find new phone numbers and addresses for some of these individuals.

DATA COLLECTION

The questionnaires were administered by telephone interview because of the time parameters of the research project and considerations of cost.

Three female interviewers were employed and given several training sessions to become familiar with the questionnaires and to ensure that they could deal with any contingencies that might arise during the course of an interview. At the beginning of each interview, the interviewers gave the following introduction:

Introductory Statement Given to Victims -

> Good evening. You were called recently by the Winnipeg Police Department and asked if you would be willing to participate in a telephone survey pertaining to crime victims. I was wondering if you could spare a few minutes now to answer the survey. Before I begin, I would like to inform you that your name will not be used in any report that results from the survey. Our interest is in looking at

the experiences that a large number of victims have encountered in order to determine what types of victim services should be introduced in Winnipeg.

Introductory Statement Given to Witnesses -

Good evening. The Ministry of the Solicitor General is conducting a study on the experiences that witnesses have encountered in the criminal justice system. The purpose of this study is to assess the need for a witness assistance program to be developed in Winnipeg. My reason for calling is to ask you if you would be willing to participate in a telephone survey relating your experiences as a witness. Before I begin, I would like to inform you that your name will not be used in any report that results from the survey.

If any of the victims were skeptical of the authenticity of the survey, the interviewers would provide them with the name and telephone number of an individual in the Police Department or Crown Attorney's office who could verify the survey.

It took approximately three months to complete the telephone interviews. The data on the questionnaires were coded and then transferred to a computer file.

FINDINGS

SOCIAL AGENCIES

One of the objectives of the project was to determine the assistance presently available to both victims and witnesses in the Winnipeg area. To do this, eight social agencies were contacted and representatives of the agencies agreed to meet with the researcher to discuss their involvement with victims and witnesses. In this section a description is given of the results obtained from the interviews conducted with these agencies.

In addition to collecting information on the types of services offered by the agencies, an effort was also made to assess the willingness of the agencies to develop a liaison with a victim/witness assistance program. Given the inter-agency territorial disputes that have been known to occur, the responses to this suggestion were surprisingly positive. No agency was found to be inimical to the idea of working in cooperation with a victim/witness assistance program.[1]

The interviews conducted with the social agencies showed support for the development of a victim/witness assistance program in Winnipeg. All of the agencies appeared to be receptive to the idea of establishing a liaison with a victim/

1. Details of the suggestions given by the agencies as to how this cooperation could be established are presented in the background report, which also includes the questionnaires.

witness program and offered a number of suggestions on the particular way in which such a program could be utilized. Although it is unlikely that all of the suggestions given will be seen as practical or desirable by the Advisory Committee, they can be taken as indications that doors are open for negotiation on victim/witness services. The most frequent suggestion given by the agencies was the development of a service that could provide information and assistance to victims that would help to demystify the court system and their experiences with it. Discussions between those involved in the planning of a victim/witness assistance program and the agencies on developing this service would seem to be the most appropriate place to begin.

POLICE

Given that the objective was to determine what needs or assistance could be provided by a victim/witness assistance program, it was thought that discussions with officers from a number of divisions would be valuable in obtaining the police department's perception of victim and witness needs. Appointments were made with representatives of the community relations division, crimes against person division, crimes against property division, juvenile division, and six constables from two precincts in the City of Winnipeg. The discussions held with the above representatives consisted of hour-long interviews centering around assessment of victim/witness needs and how these needs could be met.

The results of these interviews revealed that victim/witness needs which are expressed to the police fall into three categories: needs immediately following the crime; concerns related to the police handling of the case; and concerns related to the judicial system's processing of the case.

In the interviews with the constables, one of the most frequent comments made concerning victim needs was the time period immediately following the crime. The constables claim that a multitude of requests are made by victims, only some of which the police are able to meet. If the request is related to provision of shelter for the night or transportation to hospital, the police can either meet the need directly or contact a social agency that can be of assistance. If the request is for something intangible, like emotional support, then the police lack both the time and training to deal with this request. As one constable stated: "We are police officers, not social workers, but people want us to be social workers. We don't have time to hang around and hold the victim's hand". The constables think that a program which could provide emotional support to victims immediately after the incident would be valuable.

After the initial contact, most of the subsequent contact between the police and the victim result from inquiries made by the victim. The most frequently asked questions of the police are: Has anybody been arrested?; Has my property been recovered and when can I get it back?; What happened to the accused?; and, Why have I not had to go to court?

The first two questions the police consider as falling within their jurisdiction and the latter two they view as the responsibility of the Crown prosecutor.

With respect to the first question, Has anyone been arrested?, the police stated that they routinely notify victims if an arrest has been made. It was pointed out, however, that some investigating officers are more diligent than others in informing victims of an arrest. It was also noted that, because there is no central record system available with information on the status of a particular investigation, it is often difficult to satisfactorily answer victims' inquiries on the progress being made. If the investigating officer is not on duty, then the victim is unlikely to receive any information on the case.

On the issue of stolen property, the police reported that the speed of returning stolen property has significantly improved since the introduction of photographs of stolen property as evidence in court. The officers think that this procedure has resulted in a reduction of victim complaints on the length of time involved in returning their property. An additional benefit of this system to the police is the reduction in the amount of stolen property that must be stored by the department.

As noted earlier, the police view many of the inquiries from victims as the responsibility of the Crown Attorney's office.

It was the opinion of the police interviewed that most victims are unaware that the Crown prosecutor decides how to proceed with a case after an individual has been charged, and not the police. The police thought that informing victims of the divisions of responsibilities within the legal system and aiding victims in making inquiries would be helpful activities of a victim/witness assistance program. Related to the problem of the lack of knowledge of the system, representatives of the juvenile division stated that victims of juvenile crimes should be informed of the special status of juveniles within the legal system and the implications of this special status for the victims. One example mentioned was that victims do not have the right to be informed of the nature of the disposition given to juveniles in the present juvenile justice system.

Another area where a victim/witness assistance program could benefit the police is victim support at the time of court appearance. One police officer stated that it was not unusual to encounter the following incident: The victim arrives in court and the only face he or she recognizes is that of the police officer who investigated the case or took the initial report. If the victim has not had contact with the Crown and doesn't know what to expect, it is likely that he or she will approach the officer. In many cases, this officer, as well as not being permitted to talk to the victim, is busy preparing for his appearance and does not seem to be receptive to the victim's needs. The officer thought that a victim/witness assistance program could function to alleviate the impersonal nature of this kind of

experience. It was stated that this assistance would be most valuable in cases of rape and child sexual assault, where a member of the victim/witness assistance program could accompany the victim throughout the entire court process.

In summary, the representatives of the police force who were interviewed believe that a victim/witness assistance program is needed and would be helpful in two general areas: in helping the victim with the impacts of crime; and in reducing the anxiety and frustration felt by the victim in dealing with two large and impersonal bureaucracies--the police and the judiciary.

CROWN PROSECUTORS

It became evident from the information obtained from the police and the various social agencies in Winnipeg which deal with victims, that the development of a viable victim/witness assistance program necessitates the involvement and cooperation of the Crown prosecutors. In order to obtain the prosecutors' views of victim concerns and the utility of a victim/witness assistance program, interviews were conducted with two groups of Crown prosecutors. The two major areas covered in the interviews were the problem of witnesses appearing in court but not being called to testify and the manner in which a victim/witness assistance program could work within the court system.

The prosecutors noted that a frequent point of frustration for witnesses is showing up for a court appearance and being told that their testimony is no longer needed. Although the prosecutors understand the feeling of being inconvenienced for no apparent reason, they consider it a problem over which they have little or no control. It was stated that, given lack of prior knowledge by the prosecutors, it is not possible to notify witnesses that their appearance is not required. Two instances were given as examples of situations that lead to testimony not being required. In the first case, the prosecutor is not informed that the accused intends to change his plea from not guilty to guilty. As this change of plea can occur at any time, it is not possible to give prior notification to witnesses. In the second example, the case must be rescheduled or cancelled because key witnesses have not been located. Notifying witnesses not to appear in this instance is also considered impossible since, in many cases, key witnesses are located just prior to the scheduled date of the hearing or trial.

Most of the comments made on this issue indicated that the Crown prosecutors see the problem of unnecessary witness appearance as a phenomenon inherent to the structure of the judicial process and consequently, a problem about which very little, if anything, can be done.

When asked about the utility of a victim/witness assistance program, the prosecutors stated that such a program would be most useful in answering many of the general questions asked by

witnesses. These include: What is a subpoena?; What are my obligations and rights?; and, Who can I contact to get answers to questions concerning this particular case? In addition, it was stated that the program could be helpful in educating employers to the fact that an employee who receives a subpoena must be excused from work.

One of the potential problem areas the prosecutors anticipated was the inability of the staff of this program to answer specific questions related to a case such as: Why is the accused out on bail?; and, Why is this case proceeding in this particular manner?

The prosecutors stated that a victim/witness assistance program would be useful in dealing with specific questions if a procedure were established whereby these questions could be systematically passed on to the Crown prosecutor involved in the case and the information relayed back to the victim. It was stressed that this procedure would only be beneficial if there were no duplication of inquiries. That is, if both the victim and a worker in the program contacted the Crown, the only result would be additional work for the prosecutors.

ASSESSMENT OF VICTIM NEEDS

The following section is a presentation of the findings obtained from the telephone interviews conducted with crime

victims. The reader should be cautioned on the generalizability of the statistics reported below, given the procedure of sample selection described in the methodology section.

Sample

The sample consisted of 200 victims of crime who reported the crime to the police. One of the concerns of the study was to arrive at a sample of individuals who had been victims to a wide variety of crimes. Given below is the range of crimes represented in the sample and the percentage of respondents within each type of crime.

Types of Crimes Represented in Victim Sample

Rape	4%	Purse Snatching	6.5%
Attempted Rape	5%	Robbery	10.0%
Indecent Assault	4.5%	Mugging	4.0%
Attempted Homicide	3.5%	Break and Enter	29.5%
Assault Causing Bodily Harm	8.5%	Wilful Damage	12.0%
		Stolen Auto	12.5%
		TOTAL	100.0%

There were 107 men and 93 women in the sample and they ranged in age from 10 to 78. The mean age of the repondents was 36. The mean educational level was grade eleven and 68% had completed grade ten or higher. In order to obtain an indication of the range of socio-economic positions represented in the sample, the respondents were asked to give an estimate of annual family income. The following income distribution was found.

Family Income Distribution of Victim Sample

Under $5,000	6.3%
$ 5,000 - $ 9,999	8.2%
$10,000 - $14,999	17.1%
$15,000 - $19,999	13.9%
$20,000 - $29,999	25.3%
$30,000 - $39,999	13.9%
Over $40,000	13.9%

The demographic characteristics of the respondents and the range of crimes represented fail to show any major discrepancies which might suggest that the sample is systematically biased along a particular dimension.

Characteristics of Crime and Initial Response by Victims

In order to develop a victim/witness assistance program that can adequately deal with victim concerns, it is important to know when these concerns typically arise and what individuals or organizations are initially contacted by the victim.

In the present research, it was discovered that 63% of the crimes occured during the weekend and 37% during the weekdays. When asked the specific time of day when the crime occurred, 25% of the victims reported that they were not at home and could not give an accurate time estimate. These individuals were predominantly victims of Break and Enter, Wilful Damage, or Stolen Auto. Of those victims who could provide an accurate time

estimate, 60% reported that the crime occurred between 8:00 p.m. and 4:00 a.m. If one of the goals of a victim assistance program is to provide assistance to victims immediately after the commission of the crime, the above findings would suggest that a significant proportion of this assistance must be available after normal business hours.

When the respondents were asked who they first contacted after the crime had occurred, 51% stated that the police were the first to be contacted and 26% reported that they first informed a relative or friend. When asked when they first reported the crime to the police, 85% stated that the police were contacted within one hour after the crime or becoming aware of the crime. The obvious implication of this finding is that a victim assistance program must develop a close communications link with the police if it hopes to attend to those victim needs that must be dealt with immediately after the crime. The data presented in the following section indicates some of the needs that arise in the time period immediately following the crime.

Problems Arising From the Crime

As would be expected, the types of immediate needs stated by the victims were significantly different for victims of property crimes compared to victims of crimes against the person. Given below are the percentages of victims within each general category of crime who responded affirmatively when asked about the following types of needs.

Percentage of Victims Expressing Specific Needs Immediately Following the Crime

Type of Need	Property	Person
Medical Aid	0%	32%
Emergency repairs to secure home/car	37%	15%
Emergency transportation	2%	17%
Financial aid	3%	5%
Someone to stay with victim to provide security	18%	47%
Someone to talk to after the police had left	26%	47%

Those respondents who stated that they had any of the above needs were asked who they turned to for assistance. With the exception of medical aid, the primary sources of support were family and friends. Within each category of need, however, was a small number of victims who were unable to find anyone to provide assistance. The size of this group was 5% or less within each category of need, with one exception. After asking about specific needs, the respondents were asked: "Was there any other kind of help you could have used during the period immediately following the crime?". Approximately one-third (29.5%) of the sample specified additional kinds of help that they needed. The modal types of assistance mentioned in response to this question were moral support, professional help (e.g. counselling), and legal advice. More importantly, thirty-two respondents stated that nobody was found to help them with these concerns or problems. This represents approximately one-half of those victims who stated they required some form of additional help.

Another area where the above categorization of victims seems useful is that of fears that arose as a result of being victimized.

Percentage of Victims Expressing Specific Fears or Problems as a Result of the Crime

Type of Fear or Problem	Property	Person
Fear of being alone	22%	52%
Fear of entering home	26%	26%
Fear of going out	15%	59%
Sleeplessness	19%	45%
Long term medical problems	1%	12%

Ideally, it would have been valuable to examine victim needs within each specific type of crime. The sample size of this survey is not large enough, however, to allow comparisons to be made when victim needs are grouped by type of crime. It can be said that there are systematic differences in the problems and fears that arise in property crimes when compared to crimes against the person.

Secondary Victims Needs

The second area of victim needs that was addressed in the research was the extent to which victims wanted information on the status of the police investigation and whether or not they received this information. The findings suggest that this is an area where a victim assistance program could be of some value.

The Winnipeg Police Department has a policy whereby the officer who initially has contact with the victim is expected to leave his or her card with the victim, and to write the incident number of the crime on the card. If the victim wants to contact the officer at some later time, the officer's name on the card and the incident number would enable the victim to avoid the bureaucratic problems that might arise by telephoning the general switchboard of the police department.

The effectiveness of this policy is dependent on the extent to which the police follow it. When the respondents were asked if the police officer whom they talked to after the incident had left his/her card, only 48% of the sample responded in the affirmative. When asked if the officer wrote the incident number on the card, 41% of the sample responded in the affirmative. Although it is possible that some of the respondents might not have remembered receiving one, it would seem that a large proportion of victims do not receive a card from the attending officer.

The strongest indication that victims have informational needs that are not being met can be seen when comparing two questions asked in the survey. When asked, "Did you want information on how the investigation was progressing?", 70% of the respondents answered yes. When asked if they had received information on how the case was progressing, only 31% answered in the affirmative.

A related item in the survey dealing with the lack of information was a question asking the respondents if someone had been charged with the crime. Approximately 30% stated that they did not know. It could be argued that this figure is a conservative estimate since some of those who answered "no" might have assumed that no one had been charged because they had not been contacted by the police. It was stated earlier in this report that the police have a policy of informing vicitms when someone has been charged with the crime. However, since we know that most crimes are not cleared by arrest, we can assume that most victims remain uninformed about the status of their case.

Another area addressed the recovery and return of stolen property. Of the 116 victims who had property stolen, 41 or 35% stated that their property had been recovered. When the latter group were asked if there were any difficulties or delays in returning their property, 12 or 1/3 responded in the affirmative. Nine of the twelve respondents were victims of stolen autos and stated that the delay was due to Autopac (the Manitoba Government's Insurance Corporation). Only three individuals stated that the delay was due to the police requiring the property as evidence. It would seem that the recently introduced practice of using photographs of stolen property as evidence in court has successfully eliminated the problem of delays in returning the property to the victim.

A final informational need that came out of the survey was the knowledge of the victims about the Criminal Injuries Compensation Board. Forty-seven victims reported that they had received an injury as a result of the crime but only ten of these victims stated that they were informed about the existence of the C.I.C.B. Although it would be unrealistic to conclude that all 47 victims could have received compensation, it does seem reasonable that all victims injured should be made aware of the C.I.C.B. in order to increase the likelihood of this agency meeting the need for which it was established. As the above figures indicate, the present lack of awareness of this agency by crime victims would seem to insure its underutilization.

Victims' Assessment of Police

Several questions were included in the survey to determine the victim's evaluation of the police. Since the only contact many victims have with the criminal justice system is the police officer who answers their complaint, their assessment of the officer could be the major factor in shaping their view of the system.

When asked if the police arrived at the scene as quickly as they should have, 81% of the respondents answered in the affirmative. When asked: "Overall, do you think the police have done a good job, average job, or poor job in handling this incident?", 80% of the sample stated that the police had done a good or

average job. Those victims who stated that the police had done a poor job were asked to explain the reason for their evaluation. The most frequent comments given are listed below:

Police responded too slowly	3%
Police didn't keep victim informed of the progress of the investigation	5%
Perceived lack of interest by police	3%
Police didn't take any action	2.5%

Although only 14% of the sample rated police performance as poor, this represents a substantial number of victims if the same percentage were to be found in the total number of contacts between police and victims.

A final question designed to measure the victim's assessment of the police was: "Having been through the experience, if the same incident occurred tomorrow, would you contact the police?". In response to this question, 96% of the respondents stated that they would contact the police. Although there are indications that a minority of the sample was dissatisfied with the manner in which the police dealt with their case, the overall conclusion must be that the police are given fairly high ratings by the victims in their assessment of police performance.

ASSESSMENT OF WITNESS NEEDS

In order to assess the nature and extent of problems that witnesses encounter, one hundred individuals were interviewed who had appeared in court between January and June, 1981. The major findings from these interviews are presented below.

Sample

One of the concerns in the selection of the sample was to obtain a relatively equal number of witnesses of property crimes and witnesses of crimes against the person. Of the one hundred respondents interviewed, 48 were witnesses of property crimes and 52 were witnesses of crime against the person. The sample included 58 males and 42 females, ranging in age from 12 to 71. The average age of the sample was 34. Approximately 85% of the sample stated that they had a grade ten education or higher. The income distribution of the sample is given below.

Income Distribution of Witness Sample

Under $5,000	4%
$ 5,000 - $ 9,999	9%
$10,000 - $14,999	26%
$15,000 - $19,999	7%
$20,000 - $29,999	22%
$30,000 - $39,999	16%
Over $40,000	16%
	100%

Notification of Court Appearance

In the city of Winnipeg, the Corps Commissionaires are responsible for delivering subpoenas. In the interviews with the police and the Crown Attorneys, frequent comments were made concerning the inefficiency of the Corps Commissionaires in performing this task. When the respondents were asked how they received the subpoena, 70% stated that they received the subpoena personally and 30% stated that a member of their family was given the document. The implication of this is that 30% of the sample did not have the opportunity to ask any questions of the individual serving the subpoena.[1]

Informational Needs

A number of questions in the interview were designed to assess the extent to which witnesses lack knowledge about the legal process and their role in that process. The responses to these questions lead to the conclusion that a large proportion of witnesses lack the basic knowledge of the legal system.

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[1]Although not directly relevant to this report, it is interesting to note that a significant proportion of the witnesses seemed to assume that the individual who delivered the subpoena was a member of the police department. Although the police do deliver subpoenas when the Corps Commissionaires are unable to locate the person, 40% of the sample stated that they received the subpoena from a police officer. Assuming that this figure is an overrepresentation of the proportion of subpoenas delivered by police officers, it would appear that a case of mistaken identity is frequently taking place.

An initial question in the interview was whether the respondent realized that giving a statement to the police might result in being required to testify in court. Twenty-four percent responded that they were not aware of this fact and twenty-one percent of the respondents stated that until they received the subpoena they did not realize they might be required to appear in court.

Respondents were also asked what questions they posed to the person serving the subpoena. The question asked by 11% of the sample was, "What is this?", suggesting unfamiliarity with this legal document. Further evidence of this unfamiliarity is that 14% of the respondents answered "no" to the question: "Upon receiving the subpoena, did you fully understand your obligation to appear in court?". A final indication of the problems encountered by witnesses is that 13% of the sample stated that it was difficult to locate the appropriate court.

It appears then, that there is a small, but not insignificant, proportion of witnesses who require very basic information about the judicial process. No relationship was found between the educational level of the respondents and the types of information needed or requested, suggesting that a plausible reason for the witness' lack of knowledge was unfamiliarity with the judicial process.

Witness Contact with Police and Crown

One of the ways in which the problem of informational needs could be alleviated would be to initiate a system whereby all witnesses were ensured of having some contact with representatives of the judicial system. The findings from the present research indicate that the majority of witnesses have no direct contact prior to their arrival in court.

Fourteen percent of the sample stated that they had one or more contacts with the police during the interval between receiving the subpoena and their appearance in court. Most of this contact was related to the police requesting additional information about the crime and did not directly deal with the witness' upcoming court appearance. When the respondents were asked about the extent of contact they had with a Crown Attorney prior to their appearance, 21% stated that they had one or more contacts during this period. These contacts primarily dealt with reviewing the individual's testimony and explaining to the witness what would happen in the courtroom. Seventy-nine percent of the witnesses stated that they had no contact with a Crown Attorney prior to a court appearance.

If the above findings are generalized, then it must be concluded that there is a need to implement a program that can answer a number of general questions that these individuals have. That witnesses would be receptive to a program of this nature is supported by the fact that 68% of the respondents

answered affirmatively to the following question: "Would you have found it helpful if you could have talked to someone about court procedures and about what was expected of you in court before your court appearance?".

Use of Witnesses by the Court

One of the more interesting findings that came from the witness survey was the number of witnesses who appear in court without testifying. Forty-one percent of the sample stated that they were not called upon to give testimony. When asked what reason was given for not having to give testimony, the modal response (57%) was that the accused had changed his plea to guilty. One should expect to find a degree of dissatisfaction with the court system when such a high proportion of witnesses find themselves inconvenienced without apparent reason.

In addition to the problem of inconvenience, 23% of the sample stated that they had lost a part of their salary as a result of going to court. When we control for needless appearance in court, we find that 8% of the respondents went to court without giving testimony and lost salary as a result of this.

Evaluation of Judicial Process

One of the interests in the present research was to assess the witnesses' perceptions of the judicial system after their experiences with it. One of the specific issues addressed was the respondents' reactions to the sanctions meted out to the

victim. Forty-four witnesses stated that there had been a conviction in the case in which they were involved. When asked to give their reaction to the sentence imposed, three witnesses thought the sentence was too harsh, twelve responded that the sentence was about right, and twenty-three stated that the sentence was too lenient. That is, in those cases where there was a conviction, over half the witnesses thought that the sanction given the victim was too lenient.

The respondents were asked two questions which were designed to measure their general assessment of the judicial system. When asked how satisfied they were with the way the case was handled by the courts, 37% stated that they were not satisfied. When the sample was asked if they would be willing to be involved at some future time as a witness, 85% responded that they would be willing. When we compare these figures with the victims' evaluation of police performance, we find that the police tend to be seen in a more positive light than the court system.

The major conclusion to be drawn from these findings is that the present system is inadequate in reducing the mystification of the court process for witnesses. Given the lack of basic knowledge that some witnesses have, combined with a significant proportion of witnesses appearing in court without being called to testify, it is somewhat surprising that 85% of the respondents were willing to be placed in the role of witness again at some future time.

CONCLUSIONS AND IMPLICATIONS

In concluding this report, implications of the findings will be made for three areas:

1. Alterations that could be made by the police and the Crown to better meet victim/witness needs.

2. Issues of direction and priority that must be established prior to the implementation of an extensive victim/witness assistance program.

3. Areas of future research in conjunction with the development of a victim/witness assistance program.

ALTERATIONS TO CRIMINAL JUSTICE SYSTEM

Police

Although the police received high ratings by the victims contacted in this research, there are several areas where the police could improve their performance. Two areas that would require little effort are encouraging officers to leave their card and incident number with the victim and ensuring that all victims are notified when someone has been charged with the crime. Both of these areas could be improved at no additional costs or time commitment by the police department.

A more difficult area is that of keeping victims informed of the progress being made on a case. In the interviews with the police, it was discovered that there were two related problems associated with this area. Presently, there is no central information file in the police department that would contain all relevant information on a specific case. Thus, when a victim makes an inquiry on a case, the officer handling the investigation is the only one who can provide the information requested. An additional difficulty is that, given the concentrated work schedule that the Winnipeg police department uses, the victim who inquires about the progress of a case has only a fifty percent chance of talking to the individual who can provide adequate information. At present, most officers work on a schedule of four days on, four days off, five days on and five days off. Until a system is developed to centralize information, the problem of dealing with victim inquiries is likely to continue.

Crown Attorney's Office

Two major problems that emerged from this research relating to the Crown Attorney's role were the lack of contact between the Crown and witnesses prior to the latter's appearance in court and the number of instances where witnesses arrived in court only to be informed that their presence was no longer required. The first problem will be discussed later in the context of the development of a victim/witness assistance program.

As brought out in the interviews, the Crown Attorneys are well aware of the problem of witnesses appearing without being asked to testify in court. Although it was noted that there are several causes of this problem, the primary one seems to be the practice of defense attorneys waiting until the last minute to enter a plea of guilty on behalf of their client. The rationale for this practice is that if a key witness for the Crown fails to appear, the defense is placed in an advantageous position. If all witnesses for the Crown do appear, the defense simply chooses the option of pleading guilty. The practice of changing the plea at the last minute has no disadvantages for the defense, and the obvious advantage of testing the strength of the Crown's case.

Unless the defense attorneys can be convinced that there are distinct disadvantages of engaging in this practice, it seems unlikely that the problem of unnecessary witness appearances can be significantly reduced. One suggestion would be for the Crown Attorneys, defense attorneys, and provincial judges to begin a dialogue on how to deal with this problem in a way that could balance the needs of victim/witnesses, offenders, and the court.

ISSUES FOR A VICTIM/WITNESS ASSISTANCE PROGRAM

As is clear from the earlier sections of this report, the issue is not that a victim/witness assistance program is needed but, given the diversity of victim and witness needs, how can such a program be effectively implemented. A number of sugges-

tions are given below of the kinds of issues that should be addressed in making a decision on the types of assistance that will be given to victims and witnesses.

Immediate Needs of Victims

The findings reported earlier indicate that there are a variety of needs that victims express immediately after the commission of the crime. In order to deal effectively with these needs, two things are essential. The first is the development of an effective communications link with the police. Since it appears that a high proportion of all victims who report a crime to the police do so within the first hour, it would be necessary for a victim assistance program to enlist the cooperation of the police in relaying initial information on victim needs. In the development of this communications link, the victim assistance group would have to establish a set of criteria that police officers could use in determining when the victim assistance staff should be contacted. Without these criteria, the volume of cases would likely be too great to handle.

Another finding that has implications for the effective handling of immediate needs is the time of day when the crime occurs. Given the number of crimes that occur after normal business hours, the staff of a victim assistance program would have to be available twenty-four hours a day, seven days a week. Given the prohibitive financial cost of employing around-the-

clock staff, the most feasible approach might be the development of a corps of volunteers to provide assistance to immediate needs.

Secondary Victim Needs

Most of the secondary needs of victims involve the dissemination of information. For example, all victims who receive an injury as a result of the crime could be sent a pamphlet informing them of the Criminal Injuries Compensation Board which specifies the criteria for eligibility. A more difficult problem is supplying victims with information on the progress of the investigation, given the obstacles mentioned earlier. Assuming that the structural changes proposed do not take place within the police department, an alternative would be to have one member of the victim assistance program located in the police department and attempt to coordinate information dispersal to victims. Needless to say, this individual would have to develop a good working relationship with members of the police department in order to be effective in obtaining the necessary information.

Witness Needs

In the findings from the witness sample, it was noted that most witnesses are not contacted by the Crown Attorney's office prior to their appearance in court. At the present time, the Winnipeg victim/witness assistance group has established a

procedure of attaching a pamphlet with each subpoena delivered, giving general information about the court system and providing a telephone number that can be called to obtain additional information that witnessesmay require. No information is presently available on how effective this procedure has been in dealing with the problem of witness needs.

Another area that should be explored in providing witness assistance is the apparent need of social agency clients to be informed of the judicial process and the role of witnesses in that process. All of the social agencies contacted stated that they would be receptive to the idea of someone coming in to talk to their clients about the court system and what would be expected of the clients as witnesses. Since most of the social agencies adopt a stance of not attempting to persuade their clients to utilize the criminal justice system, the approach taken by the victim/witness assistance group when meeting with social agency clients will have to be carefully considered.

IMPLICATIONS FOR FURTHER RESEARCH

In order to assess the value of a victim/witness assistance program, it will be necessary to conduct an evaluation study of how well it is performing its task of meeting victim and witness needs. Although it is impossible to detail the specific outline

of such a study without knowing the type of assistance program to be implemented, a general categorization can be given of the major areas that would be examined.

Awareness of Services

For any program to be successful, individuals who become victims and witnesses must have knowledge of the existence of the program. This could readily be determined by interviewing a sample of victims and witnesses following the introduction of the program.

Availability of Services

A critical feature of any victim/witness assistance program is the ability to provide the services it has developed to all those who request these services. If, due to problems of insufficient staff or resources, it fails to deliver the services it promises, the reputation of the program could quickly deteriorate. An assessment of any discrepancy between services publicized and services performed could be made by interviewing victims and witnesses who have contacted the program for assistance.

Utilization of Services

In order to arrive at an accurate indication of the nature and extent to which the program is being used, the staff of the program will have to develop a system that records all contacts with victims and witnesses and the relevant details of each

contact. This would include such items as type of crime, nature of request, if the individual had been referred to the program by an agency, type of action taken, amount of time required to solve the problem and follow up on contacts to determine if the action taken was sufficient. The systematic documentation of this kind of information will be vitally important in assessing a range of concerns on the use of the program.

Effectiveness of Services

The most important objective of an evaluation study would be to determine how effectively the program is meeting victim/witness needs. Several strategies could be used to assess effectiveness. One method would be to use the present research findings as baseline data and collect comparable data on victims and witnesses after the program had been implemented for at least six months. If a significant reduction was found in the unmet needs that the respondents had after the six month period, one could determine if this reduction was empirically related to the existence of the program. A second method would be to interview just the victims and witnesses who made use of the program to determine how satisfied they were with the services received by the program. Although this group might not be representative of all victims and witnesses, it would provide a measure of effectiveness. It would also be valuable to survey representatives of the criminal justice system to obtain their perception of the program's effectiveness, both to victims and to the operation of the system.

The value of this research would be that it could demonstrate to the directors of the program the various strengths and weaknesses that come to light and suggest different ways in which the weaknesses could be improved. That is, it would be beneficial if the staff of the victim/witness assistance program view the evaluation research as a project with positive benefits and not something which is seen as threatening to the program.